IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 6978 OF 2005

1. Sharad Mukund Zanje
2. Mukund Sakharam Zanje. ... Applicants.

Versus.

The State of Maharashtra. ... Respondent.

Shri Ganesh Gole for the Applicants.

Ms.M.H.Mhatre, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 24th October, 2005.

P.C.:

1. Heard Shri Gole for the Applicants and the learned A.P.P. for State. The offence complained of against the Applicant is under section 498A and section 304B of the Indian Penal Code.

2. A submission made by the Advocate for the Applicant is that section 304B will not apply as there does not seem to be any specific allegation regarding the demand of dowry. The alleged demand made is for payment of Rs.50,000/- for carrying out repairs to the matrimonial home. The F.I.R. discloses that after the marriage, the deceased stayed in the matrimonial home very happily.

3. In my view, at this stage there is some doubt about the applicability of section 304B of the IPC. The

other offence complained of is under section 498A of the IPC. Admittedly the investigation has been completed and charge-sheet has been filed. In view of this position, a case is made out for enlarging the Applicants on bail.

4. Hence the following order is passed:

(i) The Applicants shall be enlarged on bail in connection with C.R.No.I-66 of 2005 of Neral Police Station, subject to furnishing a personal bond of Rs.10,000/- each with one or two sureties in the like amount.

(ii) The bail is granted subject to condition that the Applicants will report to the concerned Police Station once in every month till completion of trial.

(iii) The Bail is granted subject to condition that the Applicants shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

(iv) The Applicants shall cooperate with the

learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicants to delay the trial may be a ground for cancellation of bail.

(v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(vi) Application is disposed of in above terms.

(vii) The parties to act upon an authenticated copy of this order.

Judge.